

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT MARTINSBURG**

**UNITED STATES OF AMERICA,**

**v.**

**Criminal Action No. 3:11CR54-02**

**JOSEPHINE ARTILLAGA ADAMS,**

**Defendant.**

**DEFENDANT'S NOTICE OF INTENT TO RELY ON RULE 807 OF THE FEDERAL  
RULES OF EVIDENCE**

Comes now, Defendant, Josephine Artillaga Adams, by counsel, Brendan S. Leary, Assistant Federal Public Defender, pursuant to Rule 807 of the Federal Rules of Evidence and respectfully provides notice that she intends to rely, in part, on this Rule for the admission into evidence at trial of three letters written by the co-defendant and sent to Mrs. Adams.

In support therefore, Defendant states as follows:

1. On October 31, 2011, Mrs. Adams submitted her proposed trial exhibit list. (See Docket number 52.) One of the exhibits that Mrs. Adams intends to adduce at trial, are three letters from her husband and co-defendant, Barton Joseph Adams. These letters were intercepted by Dr. Adams's counsel and United States Postal Inspectors. By previous order, this Court concluded that the letters are self-authenticating and may be introduced at trial.

2. At a final pretrial conference held in this matter on November 7, 2011, the United States advised the Court that it objects to the introduction of the letters because the contents of the writings violate the rule against hearsay. See Fed. R. Evid. 801(c).

3. The contents of the intercepted letters are not hearsay because they are statements against Dr. Adams's interest under Rule 804(b)(3) of the Federal Rules of Evidence.

4. To the extent that the Court concludes that the statements in the letters are not statements against Dr. Adams's interest under Rule 804(b)(3), Mrs. Adams's hereby provides notice that she intends to rely on the Residual Exception to the rule against hearsay. See Fed. R. Evid. 807.

Respectfully submitted,

**JOSEPHINE ARTILLAGA ADAMS**  
By Counsel

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**CERTIFICATION OF SERVICE**

I hereby certify that on November 9, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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